

Wetlands Bureau Decision Report

Decisions Taken
12/08/2008 to 12/14/2008

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2008-00807 INNSEASON RESORT LINCOLN Unnamed Wetland

Requested Action:

Fill 26,760 square feet of man-made stream channel and tail race that flow from a former mill building (impacting 852 linear feet) to re-develop the property as a resort/lodging facility under the DES & EPA Brownfields Program.

The application was deemed eligible for payment into the Aquatic Resource Mitigation Fund as the form of compensatory mitigation. The deadline for the payment to be received by DES has lapsed.

Conservation Commission/Staff Comments:

Mitigate impacts by making a one time payment of \$64,812.14 to the DES Aquatic Resource Mitigation (ARM) Fund - Pemigewasset River watershed.

DENY PERMIT:

Deny the request to fill 26,760 square feet of man-made stream channel and tail race that flow from a former mill building (impacting 852 linear feet) to re-develop the property as a resort/lodging facility under the DES & EPA Brownfields Program. Mitigate impacts by making a one time payment of \$64,812.14 to the DES Aquatic Resource Mitigation (ARM) Fund - Pemigewasset River watershed.

With Findings:

Standards for Approval:

1. This project is classified as a Major Project per NH Administrative Rule Env-Wt 303.03(c), as wetland impacts are greater than 20,000 square feet.
2. Pursuant to Env-Wt 302.03(b), "For all permanent impacts that will remain after avoidance and minimization measures have been addressed, the applicant shall submit a compensatory mitigation proposal in accordance with Chapter Env-Wt 800..."
3. Pursuant to Env-Wt 806.05(a), "...a project for which the department has notified the applicant of the acceptance of a proposed in-lieu payment as specified in Env-Wt 803.08(c), the department shall not issue the permit until the applicant has paid the full amount of the in-lieu fee payment as specified in the notice".
4. Pursuant to Env-Wt 806.05(b), "If the applicant does not pay the full amount of the in-lieu fee payment within 120 days of the date of the notice, the department shall deny the application".

Findings of Fact:

5. On May 16, 2008 DES received an application to impact 26,760 sq. ft. of man-made stream channel and tail race that flow from a former mill building (impacting 852 linear feet) to re-develop the property as a resort/lodging facility under the DES & EPA Brownfields Program.
6. On July 9, 2008 DES issued a letter to the Town of Lincoln Office of Selectmen noting the in-lieu fee mitigation option would be an acceptable form of mitigation for the project. A copy of the letter was sent to InnSeason Resort.
7. On July 30, 2008 DES issued an approval notice for the proposed project which notified the applicant of acceptance of an ARM Fund payment. Condition #3 of the approval notice stated that, "This approval is contingent on receipt by DES of a one time payment of \$64,812.14 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days from the date of this approval letter (by November 27, 2008), or the application will be denied".
8. As of December 12, 2008, DES has not received the required ARM Fund payment.

Ruling in Support of Denial:

9. DES did not receive the ARM Fund payment within the required 120 days and therefore the application has been denied.

2008-01306 MACLENNAN, DOUGLAS & SUSAN DURHAM Oyster River

Requested Action:

Construct a tidal docking structure consisting of a 6' x 15' permanent pier connecting to a 3' x 16' ramp connecting to a 15' x 10' float, overall structure length 40', on 264' of frontage on the Oyster River.

Inspection Date: 08/21/2008 by Dori A Wiggin

APPROVE PERMIT:

Construct a tidal docking structure consisting of a 6' x 15' permanent pier connecting to a 3' x 16' ramp connecting to a 15' x 10' float, overall structure length 40', on 264' of frontage on the Oyster River.

With Conditions:

1. All work shall be in accordance with plans by Riverside Marine Construction, dated 6/28/2008, as received by the Department on 7/16/2008.
2. Timing of the seasonal installation of the temporary portions of the dock (the ramp and float) shall be in done coordination each year with the direction given by the NH Fish and Game Department Marine Programs, to avoid impacts to rainbow smelt and river herring populations in this area of the river.
3. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
4. This permit shall not be effective until recorded at the Strafford County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Construction of this tidal docking structure consisting of a 6' x 15' permanent pier connecting to a 3' x 16' ramp connecting to a 15' x 10' float, overall structure length 40', on 264' of frontage on the Oyster River shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
8. Work shall be done during low tide.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The permanent pier is constructed to cross the vegetated tidal resource. The ramp and floats are seasonal, and the structure is the minimum length necessary to reach usable water on the Oyster River, and is consistent with, or shorter than, docks recently approved in the immediate vicinity.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. Several species of concern were reported by the NH Natural Heritage Bureau for the greater project vicinity. Per statement dated 10/22/2008, NHFG Non-Game and Endangered Wildlife Program had determined that the Banded Sunfish, Blandings Turtle and Swamp Darter will not be affected by this project. Recommendations made by NHFG Marine Program in a letter dated 10/28/2008, relative to timing of installation of seasonal portions of the dock and potential impacts to rainbow smelt and river herring, have been incorporated into the permit conditions. The project location has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 6/3/2008; and the dock is located greater than 20 feet off the abutting property lines.

5. The Durham Conservation Commission inspected the proposed dock site on 8/18/2008 and reported that the dock was to be located in the least environmentally impacting location. The Commission raised issues regarding fish passage, which have been addressed by NHFG. The Commission stated that the dock will be visible from the Town Landing and have a scenic impact; DES finds that tidal docking structures are a common part of the scenery throughout this river, (for instance, there are docks on properties in the immediate vicinity), and the addition of this dock, which is small in comparison to other approved tidal docks, will not diminish the river's scenic value.
6. This application has received review of the federal PGP Joint Processing Meeting on 9/26/2008, and deemed eligible as proposed by the National Marine Fisheries ("NMFS").
7. This dock is consistent with other tidal dock approvals in the seacoast.
8. DES staff field inspection on 8/21/2008 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

**2008-01808 PSNH
STRATHAM Unnamed Wetland**

Requested Action:

Impact 13,500 sq. ft of tidal wetlands within the utility R.O.W. including temporary impacts of 6,000 sq. ft. to access the work area and 7,500 sq. ft. for worksite activity including a permanent impact of 79 sq. ft. required to set the new poles and anchors associated with Structure 68 on transmission line 3191.

Conservation Commission/Staff Comments:

No report or comments on this project were received from the Startham Conservation Commission.

Inspection Date: 06/24/2008 by Frank D Richardson

APPROVE PERMIT:

Impact 13,500 sq. ft of tidal wetlands within the utility R.O.W. including temporary impacts of 6,000 sq. ft. to access the work area and 7,500 sq. ft. for worksite activity including a permanent impact of 79 sq. ft. required to set the new poles and anchors associated with Structure 68 on transmission line 3191.

With Conditions:

1. All work shall be in accordance with plans by PSNH dated 08/29/08, as received by DES on September 05, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material not reused for restoration of the site shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Impacts to tidal wetland areas shall be minimized to the greatest extent possible and the impact areas shall be regraded to original contours, if necessary, following completion of work.
7. Impacts to the two salt marsh pannes or pools near the structure shall be avoided. If the smaller of the two must be impacted it will require restoration to current conditions.
8. A photo log of the entire impact area shall be recorded prior to construction from no less than ten (10) established photo stations. A subsequent photo log from each photo station shall be taken again every six months during the five year duration of the permit. In June of 2009; December of 2009; June of 2010; December of 2010 and so on to document the recovery of the tidal wetlands.
9. These photo logs together with an appropriate site conditions monitoring report shall be submitted to the DES Wetlands Bureau on the dates noted in project specific condition # 8 above.
10. At the discretion of the DES Wetlands Bureau, appropriate salt marsh restoration may be required if reestablishment of native salt marsh vegetation in the impact area is found not to be successful at any time during the monitoring period following construction.

11. No seed mix shall be used on this site in attempt to stabilize the impact area as this may introduce alien or invasive non-native plant species.
12. Restoration of the impacted area where necessary, shall rely on the revegetation by native indigenous plant species found on site.
13. Exceptional precautions shall be taken to remove the plant containing sod, and to stockpile it in a nursery fashion to be carefully replaced in the excavation areas in the same areas and at precisely the same elevation from which it was removed.
14. The existing Osprey nest shall be carefully removed from its location atop the pole and replaced thereafter on the new structure under the direction and guidance of the NH Fish & Game Department and NH Audubon Society.
15. Construction equipment shall have specialized low ground pressure tracks, which impact less than four (4) pounds per square inch when loaded, or the permittee shall utilize timber or plywood mats beneath machines when driving over wetland areas.
16. Timber or plywood mats shall be utilized in all areas of the marsh where construction equipment is required to travel or turn multiple times over the same area.
17. All weight distribution mats shall be removed from the marsh within a minimum practicable time period.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
19. Faulty equipment shall be repaired prior to entering jurisdictional areas.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
22. No compensatory wetlands mitigation is required for this public utility maintenance project.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(k), Projects in a wetland that that has been identified by Natural Heritage Inventory - Department of Resources and Economic Development as an exemplary natural community, and/or that has documented occurrences of state or federally listed Endangered or Threatened species.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a)and(c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 24, 2008. Field inspection determined that this public utility maintenance project is required.
6. Exceptional precautions will be taken to assure the recovery and/or restoration of the tidal marsh area impacted.

MINOR IMPACT PROJECT

2004-00715 HANOVER, TOWN OF
HANOVER Mink Brook

Requested Action:

Amendment request to increase the wall re-facing thickness from 12 inches to 14 inches in a 14 foot section of the previously approved repair area.

Conservation Commission/Staff Comments:

1. In a letter dated May 13, 2004, the Hanover Conservation Commission endorses the project as proposed.
2. A representative from the Hanover Conservation Commission attended the 11/13/08 site meeting. No additional comments were submitted.

Inspection Date: 11/13/2008 by William A Thomas, Cws

APPROVE AMENDMENT:

Dredge and fill 217 square feet within the bed and banks of Mill Brook, 70 linear feet, to reface and extend the existing retaining wall adjacent to Rudsborough Road.

With Conditions:

1. All work shall be in accordance with plans titled "Proposed Retaining Wall Refacing: Work to be done in July/Aug 2004", as received by the Department on September 27, 2004 and cross section plans titled "Town of Hanover-Proposed Retaining Wall Reface" dated December 4, 2003 as received by the Department on April 26, 2004 and revised plan titled "Proposed Retaining Wall Refacing: Work to be done in July/Aug 2004" revision dated November 2008, as received by the Department on December 1, 2008.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. The applicant shall notify in writing the DES Wetlands Bureau, and the Hanover Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
4. Work shall be conducted during low water conditions.
5. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
6. Equipment shall not enter surface waters unless a waiver of this condition is issued by the DES Wetlands Bureau after consultation with DES Watershed Management Bureau's Water Quality Planning Section.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
12. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Wall refacing shall not exceed 12-inches except for the limited area identified on revised and approved plans.
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching or netting and pinning on slopes steeper than 3:1.

With Findings:

DES reaffirms findings 1 through 4 with additional findings.

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The additional wall facing thickness is required by New Hampshire Homeland Security and Emergency Management ("NHHSEM") in order for the Town to qualify for Hazard Mitigation Funds to complete the repair work.
6. The NHHSEM original request was to remove ledge from the existing stream channel.
7. DES attended an onsite meeting with the Town and a representative from NHHSEM and it was agreed that a section of thicker refacing would be the lesser impacting alternative and should not result in any changes to the existing flow of the stream.
8. The Town is limited in it's option for stabilization and repair due to the adjacent steep slopes and roadway.

2007-02892 DORMAN, WALTER, BRENDA & BRIAN
PITTSBURG Perry Stream

Requested Action:

After the fact approval to retain 1095 sq ft of rip rap along 76 linear feet of the bank of Perry Stream, in Pittsburg.

Conservation Commission/Staff Comments:

No Con Com comments by 02/15/08

APPROVE RECONSIDERATION:

Retain 1095 sq ft of rip rap along 76 linear feet of the bank of Perry Stream, in Pittsburg.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated October 18, 2007, as received by DES on December 12, 2007.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on November 13, 2008. Field inspection determined the least impacting alternative would be an after the fact approval to leave the rip rap intact and not remove it.

2008-00150 HASTINGS II, HUGH
CONWAY Unnamed Wetland

Requested Action:

Dredge and fill 9300 sq. ft. of wetlands for re-alignment of a previously approved subdivision roadway to increase the protective well radius around existing community wells.

APPROVE PERMIT:

Dredge and fill 9800 sq. ft. of wetlands for re-alignment of a previously approved subdivision roadway to increase the protective

well radius around existing community wells and provide an access driveway to lot 95.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates, plans titled "Wetland Impact Plan for Lot 95" dated July 27, 2008 and "Limits of Wetland Plan" dated July 10, 2008 and plans by Briggs Land Surveying, plans titled "Details -Amendment to Subdivision Hale Estates (SA#36577-A) dated January 14, 2008 and "Amendments to "Hale Estates" Subdivision" dated March 14, 2008, as received by DES on July 29, 2008 and plans by Civil Solutions, LLC, plan sheets 1 through 4 of 4 dated November 6, 2008, as received by DES on November 10, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Drinking Water & Groundwater Bureau.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. This permit shall not be effective until it has been recorded with the Carroll County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Proper headwalls shall be constructed within seven days of culvert installation.
13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The relocation of the previously approved subdivision road is needed to provide a sanitary protective area around the existing wells as recommended by DES Drinking Water and Ground Water Bureau to allow for the use of "BRW 6".
6. The well use is needed to meet the minimum water standards needed for the subdivision.
7. The impacts for the previous subdivision were approved by DES under file #88-777.

8. A large portion of the previous subdivision road was not constructed and some wetlands impacts associated with the previous detention ponds were not constructed.
9. The applicant is providing new stormwater structures outside of wetlands for the remaining portions of the subdivision road to be built.
10. Additional wetlands have been identified on site and wetland impacts are now needed to access lot 95.
11. The permit is contingent on approval by the DES Alteration of Terrain Program.
12. This permit is contingent on approval by the DES Drinking Water & Groundwater Bureau.
13. This permit is contingent on approval by the DES Subsurface Systems Bureau.
14. The department received a letter from the President of Hale Estates Owners Association approving of the proposed road relocation.
15. The department received a comment letter from an abutter regarding concerns that the proposal may negatively affect their property by realignment of the road and creation of lot 52. They were informed the lot has since been removed from the project but did not have anything official to substantiate the information. In addition, the abutter requested that lot 52 be removed and the realignment be considered so that it will lessen the impact on their property.
16. The applicant has revised the plan to remove lot 52 and add it to the adjacent common area lots.
17. The abutter provided an additional comment letter stating they see no undue negative impacts to the drainage across the common land or their property. They noted that the new road would be within 26 feet of the "SW" corner of their property and request that the native vegetation in this area be disturbed as little as practical during and after the construction process.
18. The referenced vegetated area is within uplands and the plans do not depict any activity outside of the immediate grading area needed for the roadway.
19. Additional plans were submitted that depicted a detention pond on the abutter's property.
20. The revised and approved plan depicts that the detention pond has been removed from the abutter's property.

2008-01177
NEW LONDON

NH DEPT OF TRANSPORTATION

Requested Action:

Expand an existing park and ride from 45 spaces to 133 impacting 5,235 sq. ft. of palustrine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

APPROVE PERMIT:

Expand an existing park and ride from 45 spaces to 133 impacting 5,235 sq. ft. of palustrine wetlands. NHDOT project #14884.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated 5/12/08, as received by the Department on June 26, 2008.
2. This permit is contingent upon the submission of an erosion control plans to the DES Wetlands Bureau. Those plans shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
12. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. of nontidal wetlands
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The project will provide additional parking for commuters which will reduce the amount of vehicles parking along the side of NH Route 103A resulting in safer traveling for the general public.
6. Information received by the Dept. of Environmental Services on December 5, 2008 indicates that the NH Dept. of Transportation has proposed a "Reduced Winter Maintenance or Low Salt" policy within a portion of the Herrick Brook watershed to address water quality issues.

2008-01224 MONTGOMERY, JOHN
NEW BOSTON Piscataquog River

Requested Action:

Dredge and fill 1,250 square feet of Middle Branch Piscataquog Riverbank to regrade bank and replace medium sized riprap with boulders and native and ornamental vegetation.

APPROVE PERMIT:

Dredge and fill 1,250 square feet of Middle Branch Piscataquog Riverbank to regrade bank and replace medium sized riprap with boulders and native and ornamental vegetation.

With Conditions:

1. All work shall be in accordance with plans received by DES on September 25, 2008.
2. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the bank planting areas are constructed in accordance with the plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
3. There shall be no excavation or operation of construction equipment in flowing water.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate erosion and siltation controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or

other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.

10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.

11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.

12. Temporary cofferdams shall be entirely removed immediately following construction.

13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.

14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

16. Excavated material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.

17. All temporarily stockpiled material shall be placed out any area that is within the jurisdiction of the DES Wetlands Bureau.

18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

19. Native live plantings shall be installed by September 15th, on previously stabilized banks.

20. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications.

21. Mulch used within the wetland restoration areas shall be natural straw or equivalent.

22. Riverbank planting areas shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established until a stable riverbank is replicated in a manner satisfactory to the DES Wetlands Bureau.

23. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the planting areas during construction and during the early stages of vegetative establishment.

24. A post-construction report documenting the status of the planting areas, including photographs during and post construction shall be submitted to the Wetlands DES within sixty (60) days of the completion of construction.

25. The permittee or a designee shall conduct a follow-up inspection after the first full growing season, to review the success of the project and schedule remedial actions if necessary. A report outlining the project status including photographs and any follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of the project.

26. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of riverbank.

2. A complaint for activities on this parcel was received by the DES Wetlands Bureau on June 27, 2008.

3. DES Wetlands Bureau enforcement staff conducted field inspections of the site on July 14, 2008 and July 16, 2008.

4. The April 14, 2006, Letter of Deficiency instructed the applicant to, by September 25, 2008, submit an After-the-Fact Standard Dredge and Fill Application and Restoration Plan.

5. Preliminary plantings plans were received in August 2008 for preliminary review and comment by the DES Wetlands Bureau.

6. The Standard Dredge and Fill Application was received on September 25, 2008.

7. No comments were submitted from federal agencies, the Conservation Commission or Local Advisory Committee.

8. The Natural Heritage Bureau indicate the presence of the Brook floater mussel in the project area and referred comment to the NH Fish and Game Department (NHFG).

9. The NHFG requested project details including a planting schedule.

10. In email correspondence dated December 10, 2008, NHFG suggested native tree plantings and establishment of a riparian buffer.

11. No trees were removed by the applicant and the proposed planting plan includes native vegetation.

12. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

13. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to

areas and environments under the department's jurisdiction per Env-Wt 302.03.

14. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2008-01471 HARBOR STREET LIMITED PARTNERSHIP
CANDIA Unnamed Wetland

Requested Action:

Dredge and fill a total of 9,980 sq. ft. of palustrine forested/ scrub-shrub wetlands and impact a total of 198 linear feet of perennial stream bank to construct ten(10) driveway/culvert crossings to access single-family building sites in this 10-lot residential subdivision on a 152.957 acre parcel of land.

Conservation Commission/Staff Comments:

No report or comments were received from the Candia Conservation Commission regarding this project.

APPROVE PERMIT:

Dredge and fill a total of 9,980 sq. ft. of palustrine forested/ scrub-shrub wetlands and impact a total of 198 linear feet of perennial stream bank to construct ten(10) driveway/culvert crossings to access single-family building sites in this 10-lot residential subdivision on a 152.957 acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Doucet Survey, Inc. dated April 18, 2008 and by Beals Associates, PLLC dated June 2008, as received by DES on July 29, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
5. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culvert outlets shall be properly rip rapped.
12. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h)&(l).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Field survey reports that there are no impacts to vernal pools within the project area.

2008-01943 SARAH U DINSMORE FAMILY TRUST
WOLFEBORO Unnamed Wetland

Requested Action:

Permanently impact 3650 square feet of palustrine forested wetland including installation of a 12-inch x 30 foot culvert; and temporarily impact 390 square feet for the installation and maintenance of erosion controls for access to a proposed single family residence.

APPROVE PERMIT:

Permanently impact 3650 square feet of palustrine forested wetland including installation of a 12-inch x 30 foot culvert; and temporarily impact 390 square feet for the installation and maintenance of erosion controls for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated August 22, 2008, as received by the Department on September 15, 2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work shall be done during periods of non-flow.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant was granted a Shoreland permit 2008-1897.

2008-02059 STEBBINS, THEODORE & LUCINDA
TUFTONBORO Lake Winnepesaukee

Requested Action:

Insert a single row of rocks into than undercut bank along 92 linear feet of shoreline and plant vegetation to prevent control erosion on Lake Winnepesaukee, in Tuftonboro.

Conservation Commission/Staff Comments:

Con Com submitted comments

APPROVE PERMIT:

Insert a single row of rocks into than undercut bank along 92 linear feet of shoreline and plant vegetation to prevent control erosion on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated September 16, 2008, as received by DES on September 23, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Rocks shall not extend more than 2 feet lakeward of full lake elevation at any point.
5. Planting invasive or exotic species is strictly prohibited.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 linear feet, measured along the shoreline of a lake.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The local Conservation Commission submitted comments to the file which are suggestions for the applicant to improve the waterfront buffer. These comments can not be applied under RSA 482-A since they are not in areas of jurisdiction under RSA 482-A.

2008-02064 PALLEIKO, JEANNE
NEWBURY Sunapee Lake

Requested Action:

Expand the footprint and outside dimensions of a dwelling over public waters to increase living space, bathrooms, and bedroom areas on an average of 50 ft frontage, on Lake Sunapee, in Newbury.

Conservation Commission/Staff Comments:

No comments from Con Com by Dec 08, 2008

DENY PERMIT:

Expand the footprint and outside dimensions of a dwelling over public waters to increase living space, bathrooms, and bedroom areas on an average of 50 ft frontage, on Lake Sunapee, in Newbury.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."

2. This project is classified as a minor impact per Rule Env-Wt 303.03(a), "Projects in any bank, flat, marsh, or swamp or in and adjacent to any waters of the state or within 100 feet of the highest observable tide line that do not meet any of the criteria of Env-Wt 303.02, Env-Wt, 303.04 or Env-Wt 303.05."
3. In accordance with RSA 482-A:26,IV(a) Dwelling over water means any structure suitable for use as a dwelling which extends in any part beyond the shoreline of any public water or public-owned water body."
4. In accordance with RSA 482-A:26,I "No person shall construct any structure suitable for use as a dwelling if the structure or any part of the structure extends beyond the shoreline of any public water or publicly-owned water body."
5. In accordance with RSA 482-A:26,II "No person shall convert or modify any existing structure in order to make the structure suitable as a dwelling if the structure or any part of the structure extends beyond the shoreline of any public water or publicly-owned water body."
6. In accordance with RSA 482-A:26,III(a) "Existing dwellings over water which were constructed or converted to be made suitable for use as a dwelling in accordance with the law in effect at the time of construction or conversion, may be repaired or reconstructed, for maintenance purposes only, using any modern technologies, provided the result is a functionally equivalent use. Such repair or reconstruction may alter the interior design or existing cribwork, but no expansion of the existing footprint or outside dimensions shall be permitted. A condition of RSA 482-A:3 approval shall be the existence or installation of a sewage disposal system which has been approved pursuant to RSA 485-A:29-44. No permit shall be required for routine maintenance that does not involve work in the water."
7. In accordance with RSA 482-A:26,III(b) "Without otherwise limiting the provisions of this section, where the effect of repair or reconstruction of a structure subject to the provisions of this section represents greater protection of public water or the environment and where such repair or reconstruction does not change a recreational, water-based activity to a land-based, residential or commercial activity, the commissioner may waive the existing standards, provided that there shall be no expansion of the existing footprint, outside dimensions, and square footage of floor space; and there shall be a net reduction in the total square footage of kitchen, bathroom, shower, and toilet facilities."

Findings of Fact

1. On September 23, 2008, the Wetlands Bureau received an application for surface water impacts, on the lot identified as Newbury tax map 16A, lot 333-422, to expand footprint to increase living space, bathrooms and bedroom sq ft of impact within a dwelling over public waters, on Lake Sunapee, in Newbury.
2. The proposed plan would increase the square feet of the existing kitchen.
3. The proposed plan would increase the square feet of the enclosed existing entry way over public submerged lands.
4. The proposed plan would increase the square feet of the second floor existing bathroom over public submerged lands.
5. The proposed plan would increase the square feet of the second floor master bathroom over public submerged lands.
6. The proposed plan would increase the square feet of the second floor living space over public submerged lands.
7. The plan proposed to enclose and enlarge the second floor by incorporating the existing porch into living space and increase the area of the roof over public submerged lands.
8. The proposed plan would add a new enclosed porch to the second floor over public submerged lands.
9. The plan submitted did not include the existing and proposed ridge elevations, a letter in file 2008-01129 with the same plan indicates the proposed roof elevation will be increased.

Rulings in Support of Denial

1. The proposed project would increase the footprint and outside dimensions of an existing dwelling over water and would not meet the requirements of RSA 482-A:26, therefore, the project is not approvable and the application is denied.

2008-02067 DESMOND, TIMOTHY & DONNA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair an existing crib supported docking facility consisting of a 6 ft x 30 ft dock attached to a 6 ft x 30 ft dock by a 4 ft x 12 ft walkway, add a 6 ft x 30 ft crib supported dock attached the existing structure by a 4 ft x 12 ft walkway to create a "W" shaped docking facility providing 4 slips on an average of 313 feet of frontage on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

No Con Com comments by December 03, 2008

APPROVE PERMIT:

Repair an existing crib supported docking facility consisting of a 6 ft x 30 ft dock attached to a 6 ft x 30 ft dock by a 4 ft x 12 ft walkway, add a 6 ft x 30 ft crib supported dock attached the existing structure by a 4 ft x 12 ft walkway to create a "W" shaped docking facility providing 4 slips on an average of 313 feet of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Terry Graham dated December 2007, as received by DES on September 19, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. The repairs to the existing docks shall maintain the size, location and configuration of the pre-existing permitted structures.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. The maximum size of cribs shall not exceed 6 feet long by 6 feet wide and of such height as necessary to support the docking structure above the water level. Variance to this condition may be sought if water depth is greater than 6 feet.
10. Crib material shall be timber, concrete, or other material approved by the Department of Environmental Services, and of such size and spacing as necessary to completely contain the ballast.
11. The minimum clear spacing between cribs shall be 12 feet.
12. No docks shall extend more than 30 feet lakeward of full lake elevation of 504.32.
13. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that provides for 4 boat slips including previously existing boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 312 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2008-02145 BYRNE DEVELOPMENT CORP
ALTON Unnamed Stream

Requested Action:

Dredge and fill 750 square feet of stream resources affecting 110 linear feet for the installation of two separate structures in the subdivision of 24.64 acres into 13 single family residential lots.

APPROVE PERMIT:

Dredge and fill 750 square feet of stream resources affecting 110 linear feet for the installation of two separate structures in the subdivision of 24.64 acres into 13 single family residential lots.

With Conditions:

1. All work shall be in accordance with plans by Jones and Beach Engineers dated March 30, 2007, and revised through July 15, 2008, as received by the Department on October 1, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau.
7. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Work within the perennial stream shall be done during low flow.
10. Work within the intermittent stream shall be done during periods of non-flow.
11. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
12. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
13. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department issued Alteration of Terrain Permit WPS-8158 on June 20, 2008.
6. The Wetlands Bureau received a letter from the NH Department of Transportation dated June 7, 2008 stating "all concerns were addressed with drainage issues at this location."
8. The proposed crossing of the perennial stream is an open bottom structure sized 1.2 times the bank full width of the channel in this location.

Requested Action:

Proposal to dredge and fill 7598 sq. ft. (includes 1,653 sq. ft. of temporary impacts) of palustrine emergent and scrub shrub wetlands for test drilling for rehabilitation of an existing water supply well and subsequent construction of a permanent gravel well drilling platform for a new angle production well at the existing wood fired power generation facility.

APPROVE PERMIT:

Dredge and fill 7598 sq. ft. (includes 1,653 sq. ft. of temporary impacts) of palustrine emergent and scrub shrub wetlands for test drilling for rehabilitation of an existing water supply well and subsequent construction of a permanent gravel well drilling platform for a new angle production well at the existing wood fired power generation facility.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering, LLC dated September 2008 and narratives dated October 3, 2008, as received by DES on October 8, 2008 and narratives dated November 20, 2008, as received by DES on November 21, 2008.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Wetland restoration areas (e.g., temporary wetlands impact areas) shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The project is needed to investigate the existing aquifer for potential rehabilitation of an existing water supply well that has a significant decline in yields of water needed for cooling water for the existing power generation facility.

4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has proposed a drilling pad and temporary impacts that are minimally needed to conduct the aquifer exploration and provide an access pad for the rehabilitation and maintenance of the well and potential access for future rehabilitation of other wells.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. A waiver has been submitted in accordance with Administrative Rule Part Env-Wt 204 to address the identification of vernal pools per Administrative Rule Env-Wt 302.04(a)(7)f, on the site.
8. The proposed impacts are located in a wetland that is not a vernal pool and contains the existing water supply wells.
9. The site is a large property and there are no other wetlands impacts proposed for this project.
10. This approval is conditioned on a further permitting if additional wetlands impacts are required.
11. Granting the request for the proposed project will not result in an adverse effect to the environment or natural resources of the state, public health, granting the request is consistent with the intent and purpose of the rule being waived and strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
12. DES has not received any objections regarding the proposed project.
13. Based on findings #8 through #12 the waiver request was approved.
14. The department received an agreement letter from an abutter for the proposed work within 20 feet of the property line per Administrative Rule Env-Wt 304.04(a).

MINIMUM IMPACT PROJECT

2006-01265 SIDMORE, PHIL & EVELYN
DURHAM Little Bay

Requested Action:

Amended: impact a total of 3,150 sq. ft. in the developed upland tidal buffer zone to: 1) replace existing (1,200 sq. ft.) dwelling with new dwelling in existing and expanded (600 sq. ft. landward) footprint including an addition of a 10' x 60' section to a 8' x 40' section (920 total sq. ft.) farmer's porch on two sides, respectively; 2) impact 255 sq. ft. (86 linear ft.) of developed upland tidal buffer zone to construct a fence from top of bank landward and; 3) approve after the fact, and in conjunction with Restoration Plan approved December 9, 2008, excavation of 175 sq. ft construction of walkway providing access to lower level dwelling egress.

APPROVE AMENDMENT:

Amended: impact a total of 3,150 sq. ft. in the developed upland tidal buffer zone to: 1) replace existing (1,200 sq. ft.) dwelling with new dwelling in existing and expanded (600 sq. ft. landward) footprint including an addition of a 10' x 60' section to a 8' x 40' section (920 total sq. ft.) farmer's porch on two sides, respectively; 2) impact 255 sq. ft. (86 linear ft.) of developed upland tidal buffer zone to construct a fence from top of bank landward and; 3) approve after the fact, and in conjunction with Restoration Plan approved December 9, 2008, excavation of 175 sq. ft construction of walkway providing access to lower level dwelling egress.

With Conditions:

1. ADDITIONAL CONDITION: This permit is contingent upon execution of the DES Restoration Plan Approval dated December 9, 2008.
2. ADDITIONAL CONDITION: Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. AMENDED: All work shall be in accordance with revised plans by Eckman Engineering, LLC dated 12/01/2008, as received by the Department on 12/01/2008.
4. AMENDED: This permit is contingent on compliance with the DES Subsurface Systems Bureau Approval # CA2007086444.
5. AMENDED: Construction of the swimming pool shown on plan copies is out of the jurisdiction of the wetlands statute, RSA

- 482-A, however shall require permitting pursuant to the requirements of RSA 483-B, the Comprehensive Shoreland Protection Act.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
 7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
 8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in the previously developed upland areas within 100 feet of the highest observable tide line that are not major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03 respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The project uses the existing footprint as the basis for construction; the dwelling expansion is away from the resource, with only a 10' wide porch extension toward the highest observable tide line.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
 - a. Relative to RSA 483-B, the Comprehensive Shoreland Protection Act ("CSPA"), the existing dwelling is greater than 50' from the reference line, and therefore conforms to the primary building setback. Reconstruction and expansion involves construction landward of the existing structure; and construction of a porch of less than 12' of width toward the reference line, both of which comply with the CSPA.
 - b. The applicant has submitted a planting plan which will enhance the vegetated buffer function of the shoreline.
 - c. The application has been reviewed by the US National Marine Fisheries Service, and found to represent no adverse impacts to essential fish habitat.
 - d. No species of concern relative to this project were reported by the NH Natural Heritage Inventory.
5. DES has issued, under separate cover, a Restoration Plan Approval dated December 9, 2008 to restore 1,050 sq. ft. of unauthorized excavation of the upland tidal buffer zone, and revegetation of natural woodland buffer area along the southern portion of the property.
6. The applicant is proposing plantings, such as the arbor vitae, that are outside of the restored elevation areas shown on the plans and are not part of this Wetlands Permit or the Restoration Plan Approval referenced above in #5. Further, in accordance with DES Wetlands Bureau Rules Env-Wt 303.05(i), landscaping and gardening within the upland tidal buffer zone does not require a wetlands permit and in accordance with DES Shoreland Protection Rules Env-Wq 1406.04(c)(8), planting of non-invasive vegetation or maintenance of existing gardens is an activity that does not require a shoreland permit.

2008-01442 LONE PINE HUNTING CLUB
HOLLIS

Requested Action:

PSNH requests to temporarily impact approximately 120 square feet of wetland for the repair of leaning utility pole.

CONFIRM EMERGENCY AUTHORIZATION:

Temporarily impact approximately 120 square feet of wetland for the repair of leaning utility pole.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(f).
2. The project was necessary to stabilize a failing utility pole.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on July 30, 2008.
4. Review of the materials submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

**2008-01807 PSNH
STRATHAM Unnamed Wetland**

Requested Action:

Impact a total of 10,100 sq. ft. of palustrine scrub-shrub/ emergent wetlands within the utility R.O.W. including temporary impacts of 8,400 sq. ft. to access the work area and 1,600 sq. ft. at the work site and 100 sq. ft. of permanent impact to replace an existing transmission line pole (Structure 36) in-kind.

Conservation Commission/Staff Comments:

No report or comments were received from the Stratham Conservation Commission regarding this project.

APPROVE PERMIT:

Impact a total of 10,100 sq. ft. of palustrine scrub-shrub/ emergent wetlands within the utility R.O.W. including temporary impacts of 8,400 sq. ft. to access the work area and 1,600 sq. ft. at the work site and 100 sq. ft. of permanent impact to replace an existing transmission line pole (Structure 36) in-kind.

With Conditions:

1. All work shall be in accordance with plans by PSNH dated 8/29/08, as received by DES on September 05, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Swamp mats shall be utilized to minimize rutting in the wetlands.
5. Impacts to wetland areas shall be minimized and these areas shall be regraded, if necessary, to original contours following completion of work.
6. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
7. Faulty equipment shall be repaired prior to entering jurisdictional areas.
8. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
9. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
10. No compensatory wetlands mitigation is required for this public utility maintenance project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af): temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

FORESTRY NOTIFICATION

**2008-02550 CASTONGUAY, CARRIE
EATON Unnamed Stream**

COMPLETE NOTIFICATION:

Easton Tax MAp R3, Lot# 5

2008-02637 NEW BOSTON CONSERVATION COMMISSION, BETSEY DODGE
NEW BOSTON Unnamed Stream

COMPLETE NOTIFICATION:
New Boston Tax MAp 1, Lot# 22

2008-02643 CAVERLY, JAMES & MARY
SANBORNTON Unnamed Stream

COMPLETE NOTIFICATION:
Sanbornton Tax map 14, Lot# 17

2008-02644 JONES TRUST, NATALIE
HOPKINTON Unnamed Stream

COMPLETE NOTIFICATION:
Hopkinton Tax Map 231, Lot# 3 & 4

2008-02645 WHITE MOUNTAIN REGIONAL SCHOOL DISTRICT
JEFFERSON Unnamed Stream

COMPLETE NOTIFICATION:
Jefferson Tax Map 8, Lot# 6

2008-02647 CERSOSIMO INDUSTRIES INC
WENTWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Wentworth Tax Map 4, Lot# 5

2008-02658 COOLIDGE, NATHANIEL
SANDWICH Unnamed Stream

COMPLETE NOTIFICATION:
Sandwich Tax MAp R20, Lot# 51A

2008-02659 BOW, TOWN OF
BOW Unnamed Stream

COMPLETE NOTIFICATION:
Bow Tax Map 20, Lot# 138

2008-02660 RUBEL, PETER & ALEXANDER
CHOCORUA Unnamed Stream

COMPLETE NOTIFICATION:
Chocorua Tax Map 407, Lot# 112

2008-02661 UNH OFFICE OF WOODLANDS & NATURAL RESOURCES
MILTON Unnamed Stream

COMPLETE NOTIFICATION:
Milton Tax Map 18, Lot# 15

2008-02663 ARDEN FOREST LLC
WENTWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Wentworth Tax Map/Lot# 4-1-1 & 4-2-2

2008-02664 NUTTER, EDWARD
EPSOM Unnamed Stream

COMPLETE NOTIFICATION:
Epsom Tax Map R8, Lot# 7

EXPEDITED MINIMUM

2004-03036 HAMPSHIRE PROPERTIES LLC, JOHN GRASSO
HAMPSTEAD Unnamed Wetland

Requested Action:
Approve name change to: Hampshire Properties LLC, 865 Turnpike St., No Andover, MA 01845 per request received 12/4/2008.
Previous owner Shipley LLC

Conservation Commission/Staff Comments:
The Hampstead Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE NAME CHANGE:
Impact 718 square feet of wet meadow for the installation of a 24-inch by 54-foot culvert to access 21 elderly housing units on a residential lot on 11.35 acres.

With Conditions:
1. All work shall be in accordance with the Grading and Drainage Plans (Sheets G1 and G2) by Civil Construction Management Inc. dated October 2004 with revisions through March 7, 2005, as received by the Department on April 5, 2005.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Site Specific Program.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Work shall be done during low flow conditions.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2008-01764 CARON, GARY
LEMPSTER Unnamed Stream

Requested Action:

Dredge and fill approximately 530 sq. ft. of intermittent stream to install a 24-inch culvert for access to a proposed gravel mining operation.

APPROVE PERMIT:

Dredge and fill approximately 530 sq. ft. of intermittent stream to install a 24-inch culvert for access to a proposed gravel mining operation.

With Conditions:

1. All work shall be in accordance with plans by Beaver Tracks, as received by the DES on September 02, 2008.
2. The installed 24-inch culvert shall be less than 50 feet on length.
3. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
4. Work shall be done during low flow conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culverts shall be laid at original grade.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks.
2. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau and the Conservation Commission signed the Minimum Impact Expedited Application.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02006 BEIQUE, GERARD
WINDHAM Unnamed Wetland

Requested Action:

Dredge and fill 460 square feet of palustrine forested wetland for the construction of a driveway and installation of a 15-inch by 26-foot HDPE culvert to gain access to buildable uplands for a single family residential dwelling.

Conservation Commission/Staff Comments:

The Windham Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill 460 square feet of palustrine forested wetland for the construction of a driveway and installation of a 15-inch by 26-foot HDPE culvert to gain access to buildable uplands for a single family residential dwelling.

With Conditions:

1. All work shall be in accordance with the following plans by Lavelle Associates, LLC:
 - a.) The Dredge and Fill Plan dated September 4, 2008, as received by DES on September 22, 2008; and,
 - b.) The Easement Plan of Land dated October 21, 2008, as received by DES on November 17, 2008.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work shall be done during seasonal low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
8. No fill shall be done for lot development.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff

treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The impacts are necessary for access to buildable upland, therefore; the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The impacts will occur within a driveway easement to reduce impacts, therefore; the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant, Gerard Beique, owns lot 352 in addition to lot 262 and has recorded a driveway easement at the Rockingham Registry of Deeds under Book 4961 Page 1285.
6. A memo dated May 24, 2006 from the NH Natural Heritage Bureau ("NHNHB") identified Rich Appalachian oak rocky woods as a natural community and Rue Anemone (*Thalictrum thalictroides*) as a plant species within the vicinity of the project.
7. DES finds that the aforementioned items identified by the NHNHB will not be adversely affected by the project as the project site is approximately one-mile from those items.
8. The impacts were formally proposed under file number 2006-2103. This particular file had been denied for an untimely response to a request for more information ("RFMI") dated October 12, 2006. The RFMI requested a reduction of impacts and a revised plan. This file satisfied the items of the RFMI.

2008-02419 MOUNTAIN VIEW YACHT CLUB INC
GILFORD Lake Winnepesaukee

Requested Action:

Repair and maintain a major docking facility as depicted on plans by Steven Smith, dated July 29, 2008, on Lake Winnepesaukee, in Gilford.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair and maintain a major docking facility as depicted on plans by Steven Smith, dated July 29, 2008, on Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Steven Smith Associates dated July 29, 2008, as received by DES on November 10, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. The repairs shall maintain the size, location and configuration of the pre-existing structures.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. This permit does not allow for any dredge of the boatslips or marina area.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2008-02453 PSNH
LOUDON Unnamed Wetland

Requested Action:

Temporarily impact 2957 square feet of palustrine scrub shrub wetland in six locations to install new power distribution lines along an existing right of way.

APPROVE PERMIT:

Temporarily impact 2957 square feet of palustrine scrub shrub wetland in six locations to install new power distribution lines along an existing right of way.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering dated October 14, 2008, as received by the DES Wetlands Bureau on November 14, 2008 and the "Standards for Transmission Line Construction in Wetlands" as received on November 14, 2008.
2. This permit is contingent on approval by the DES Shoreland Program.
3. Any future work in the utility right-of-way that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. All work shall be conducted during frozen conditions or under no flow or low groundwater conditions.
5. All stream crossings shall be conducted during no flow conditions and in a manner so as to minimize turbidity.
6. If necessary prior to the installation; swamp mats shall be inspected for and any/all vegetative matter shall be removed.
7. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
8. Prior to installation, new pole structures; and upon removal, old pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. The contractor shall remove the stumps of the old wood-pole structures in wetlands. If removal of the stump(s) will result in increased wetlands impacts, due to increased soil disturbance, the pole(s) shall be cut off at ground level.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
13. Silt fence(s) must be removed once the area is stabilized.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Construction shall be inspected by a qualified professional such as a wetland scientist, or erosion control specialist, to ensure

that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.

16. The qualified professional shall submit weekly monitoring reports including the status of the project and the work conducted each week, the status of the erosion control measures, restoration areas and color photographs of work areas and areas recently restored. These reports shall be submitted via e-mail to jocelyn.degler@des.nh.gov

17. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.

18. All temporary impact to wetland shall be regraded to original contours and stabilized within 72 hours following the completion of work and 30 days of the start of work.

19. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.

20. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.

21. Mulch within the restoration areas shall be straw or seedless hay.

22. Seed mix within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.

23. The right-of-way shall be monitored at the end of construction and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.

24. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.

25. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

26. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands.

27. Faulty equipment shall be repaired prior to entering wetlands.

28. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

29. All refueling of equipment shall occur 100 feet away from surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af) Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02455 PSNH
CONCORD Unnamed Wetland

Requested Action:

Temporarily impact 2957 square feet of palustrine scrub shrub wetland in six locations to install new power distribution lines along an existing right of way.

APPROVE PERMIT:

Temporarily impact 2957 square feet of palustrine scrub shrub wetland in six locations to install new power distribution lines along an existing right of way.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering dated October 14, 2008, as received by the DES Wetlands Bureau on November 14, 2008 and the "Standards for Transmission Line Construction in Wetlands" as received on November 14, 2008.
2. This permit is contingent on approval by the DES Shoreland Program.
3. Any future work in the utility right-of-way that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. All work shall be conducted during frozen conditions or under no flow or low groundwater conditions.
5. All stream crossings shall be conducted during no flow conditions and in a manner so as to minimize turbidity.
6. If necessary prior to the installation; swamp mats shall be inspected for and any/all vegetative matter shall be removed.
7. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
8. Prior to installation, new pole structures; and upon removal, old pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. The contractor shall remove the stumps of the old wood-pole structures in wetlands. If removal of the stump(s) will result in increased wetlands impacts, due to increased soil disturbance, the pole(s) shall be cut off at ground level.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
13. Silt fence(s) must be removed once the area is stabilized.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Construction shall be inspected by a qualified professional such as a wetland scientist, or erosion control specialist, to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
16. The qualified professional shall submit weekly monitoring reports including the status of the project and the work conducted each week, the status of the erosion control measures, restoration areas and color photographs of work areas and areas recently restored. These reports shall be submitted via e-mail to jocelyn.degler@des.nh.gov
17. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.
18. All temporary impact to wetland shall be regraded to original contours and stabilized within 72 hours following the completion of work and 30 days of the start of work.
19. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
20. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.
21. Mulch within the restoration areas shall be straw or seedless hay.
22. Seed mix within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.
23. The right-of-way shall be monitored at the end of construction and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.
24. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.
25. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two

(2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

26. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands.

27. Faulty equipment shall be repaired prior to entering wetlands.

28. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

29. All refueling of equipment shall occur 100 feet away from surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af) Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02465 ROUSSEAU, THOMAS & MARY ELLEN
ACWORTH Crescent Lake

Requested Action:

Dredge and fill approximately 100 square feet of intermittent stream to replace an existing deteriorated 18-inch x 25-foot corrugated metal culvert with an 18-inch x 30-foot corrugated metal culvert for single family residence garage access.

APPROVE PERMIT:

Dredge and fill approximately 100 square feet of intermittent stream to replace an existing deteriorated 18-inch x 25-foot corrugated metal culvert with an 18-inch x 30-foot corrugated metal culvert for single family residence garage access.

With Conditions:

1. All work shall be in accordance with plans received by the Department on November 17, 2008.

2. Work shall be done during low flow conditions.

3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

6. Proper headwalls shall be constructed within seven days of culvert installation.

7. Culverts shall be laid at original grade.

8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), Projects that alter the course of or disturb less than 50 linear feet, measured along the thread of the channel, of an intermittent nontidal stream channel or its banks.

2. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau and the Conservation Commission signed the Minimum Impact Expedited Application.

3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02466 BLACK ET AL, HELEN
TUFTONBORO Lake Winnepesaukee

Requested Action:

Repair 20 linear feet of existing failed retaining wall "in kind" on Lake Winnepesaukee, Tuftonboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application on Nov 13, 2008

APPROVE PERMIT:

Repair 20 linear feet of existing failed retaining wall "in kind" on Lake Winnepesaukee, Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by dated November 06, 2008, as received by DES on November 17, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Area shall be regraded to original contours following completion of work.
4. Repair shall maintain existing size, location and configuration.
5. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m), projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank.

2008-02482 SALAMONE, PAUL & KAREN
MEREDITH Lake Waukewan

Requested Action:

Repair existing 50 linear feet of damaged retaining wall and replenish an existing beach with 10 cubic yards of sand on Lake Waukewan, Meredith.

Conservation Commission/Staff Comments:

Con Com signed Exp Application on Nov 13, 2008

APPROVE PERMIT:

Repair existing 50 linear feet of damaged retaining wall and replenish an existing beach with 10 cubic yards of sand on Lake Waukegan, Meredith.

With Conditions:

1. All work shall be in accordance with plans, as received by DES on November 17, 2008.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Repair shall maintain existing size, location and configuration.
5. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
6. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existing retaining walls.

2008-02483 **CHANDLER, JOAN**
LACONIA **Lake Winnepesaukee**

Requested Action:

Repair/replace an existing "U" shaped piling dock consisting of the following: 1) A dock measuring 65'8" long on the northerly side and 35'6" on the southerly side and measuring 8'6" wide tapering to 3'8" at the shoreline, 2) a 13'3" x 4' connecting walkway, and 3) a 4'x 35'3" piling dock on approximately 106' of frontage on Lake Winnepesaukee, Laconia.

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application but submitted comments stating they have no objections

APPROVE PERMIT:

Repair/replace an existing "U" shaped piling dock consisting of the following: 1) A dock measuring 65'8" long on the northerly side and 35'6" on the southerly side and measuring 8'6" wide tapering to 3'8" at the shoreline, 2) a 13'3" x 4' connecting walkway, and 3) a 4'x 35'3" piling dock on approximately 106' of frontage on Lake Winnepesaukee, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management dated August 18, 2008, as received by DES on November 17, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided,

and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.

9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. The applicant has an average of 106 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2008-02487 PAXTON, GERALD & LINDA
ALTON Lake Winnepesaukee

Requested Action:

Repair "in kind" an existing 8 ft x 35 ft 5 inch full crib supported dock connected to a 8 ft 4 inch x 35 ft 5 inch full crib supported dock by a 9 ft walkway in a "U" shaped configuration, with a 16 ft 4 inch x 35 ft 5 inch boat house over the center slip, providing 3 slips on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair "in kind" an existing 8 ft x 35 ft 5 inch full crib supported dock connected to a 8 ft 4 inch x 35 ft 5 inch full crib supported dock by a 9 ft walkway in a "U" shaped configuration, with a 16 ft 4 inch x 35 ft 5 inch boat house over the center slip, providing 3 slips on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated August 05, 2008, as received by DES on November 18, 2008.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. This permit does not allow for any maintenance dredge.
7. Existing rocks shall be used for crib material, no new rocks.
8. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
11. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and

when considered with the original application are not classified as minor or major.

12. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. The applicant has an average of 205 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

**2008-02488 BUTTERFIELD ESTATE, MARJORIE
PELHAM Unnamed Stream**

Requested Action:

Impact 159 square feet within the bed and banks of an intermittent stream for the construction of a driveway to install a 15-inch by 20-foot RCP culvert to gain access to buildable uplands for a single family residential dwelling on a lot of 11.00 acres as part of a three lot subdivision of 24.9 acres.

Conservation Commission/Staff Comments:

The Pelham Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 159 square feet within the bed and banks of an intermittent stream for the construction of a driveway to install a 15-inch by 20-foot RCP culvert to gain access to buildable uplands for a single family residential dwelling on a lot of 11.00 acres as part of a three lot subdivision of 24.9 acres.

With Conditions:

1. All work shall be in accordance with the Proposed Condition Plan (Sheet 4 of 4) by Edward N. Herbert Assoc. Inc. dated September 2008, as received by DES on November 17, 2008.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Work shall be done during seasonal low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
8. No fill shall be done for lot development.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot.
2. The impacts are necessary to gain access to buildable upland, therefore; the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The driveway will utilize an existing woods road, therefore; the applicant has provided evidence which demonstrates that this

proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. The remaining residential lots have obtained approval for the impacts within the Protected Shoreland of RSA 483-B under Shoreland Permit 2008-2174.

6. A memo dated September 19, 2008 from the NH Natural Heritage Bureau identified species of concern in the vicinity of the project.

7. In an email dated October 2, 2008, personnel from NH FG Nongame and Endangered Species Program stated, "we do not expect impacts to the rare species as a result of the project."

2008-02501 SINGER BROOK LLC
MILFORD Unnamed Wetland

Requested Action:

Dredge 5,349 sq. ft. of forested wetland for the creation of an agricultural irrigation pond.

Conservation Commission/Staff Comments:

The Milton Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge 5,349 sq. ft. of forested wetland for the creation of an agricultural irrigation pond.

With Conditions:

1. All work shall be in accordance with The Irrigation Pond Plan by Meridian Land Services, Inc. dated November 7, 2008, as received by DES on November 19, 2008.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. No fill shall be done for lot development.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(p) Construction of a pond with less than 20,000 sq. ft. of wetlands impact.
2. The applicant seeks adequate irrigation of agricultural land; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The impacts occur in a previously logged area with little function and value; therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

X-SHORELAND VARIANCE / WA

2008-00208 YOUSSEF TRUST, SUSAN
LACONIA Lake Winnepesaukee

Requested Action:

Replace an existing nonconforming structure with a proposed nonconforming structure on property with approximately 60 ft of frontage on Lake Winnepesaukee in Laconia.

Inspection Date: 12/17/2007 by Thomas Gilbert

APPROVE PERMIT:

Replace an existing nonconforming structure with a proposed structure on property with approximately 60 ft of frontage on Lake Winnepesaukee in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Paul M Darbyshire dated March 12, 2008 and received by the Department of Environmental Services ("DES") on November 24, 2008.
2. This Waiver shall not be effective unless and until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
3. No more than 29.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will impact no existing unaltered areas within the Natural Woodland Buffer beyond the primary building setback.
5. An initial vegetation monitoring report shall be submitted to DES by July 30, 2010 to review the success of the plantings and schedule remedial actions if necessary. This report shall be submitted to DES with photographs demonstrating the condition of the plantings, include any necessary remedial actions, and contain a schedule for completing the remedial actions. The report shall reference the Shoreland Permit number and be sent to the DES Wetlands Bureau, 29 Hazen Drive, Concord, NH 03302.
6. Proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
7. The proposed pervious concrete shall be installed and maintained in accordance with the manufacturers specifications.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing structure, located on property identified as Laconia Tax Map 274, Block 178, Lot 6, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 55 ft from the reference line.
3. The proposed structure will be located approximately 37.8 ft from the reference line.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the

existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

5. The Applicant has proposed to reduce the amount of impervious surface on the property by approximately 170 sq ft.

6. The Applicant has proposed to plant native species along the shoreline to enhance the Waterfront Buffer.

7. The Applicant's proposal will decrease the amount of impervious surface by approximately 170 sq ft and will improve nutrient attenuation and wildlife habitat by planting native vegetation in the Waterfront Buffer.

8. Based on this information, the Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters and meets the requirements of RSA 483-B:11, II, therefore the request waiver is granted.

ROADWAY MAINTENANCE NOTIF

2008-02670 **AMHERST, TOWN OF**
AMHERST **Unnamed Stream**

COMPLETE NOTIFICATION:

Replace 2 existing 12" culverts with 15" HDPE pipe

2008-02672 **NH DEPT OF TRANSPORTATION**
MEREDITH **Unnamed Stream**

COMPLETE NOTIFICATION:

Clean 70' of ditch

2008-02673 **NH DEPT OF TRANSPORTATION**
MEREDITH **Unnamed Stream**

COMPLETE NOTIFICATION:

Remove damaged 18" culvert and replace with 24" culvert and extend 3 feet; place stone at the inlet and outlet

PERMIT BY NOTIFICATION

2008-02452 **KOESTER, RICHARD**
COLEBROOK **Unnamed Wetland**

Requested Action:

Proposal to dredge and fill 595 sq. ft. of wetlands for construction of a driveway to a single family building site. Work in wetlands consists of installation two 12 in. x 16 ft. CMP culverts, outlet protection and associated stone headwalls.

PBN IS COMPLETE:

Dredge and fill 595 sq. ft. of wetlands for construction of a driveway to a single family building site. Work in wetlands consists of installation two 12 in. x 16 ft. CMP culverts, outlet protection and associated stone headwalls.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses, provided:

- (1) The total jurisdictional impact does not exceed 3,000 square feet;
- (2) The roadway width at the crossing shall not exceed 20 feet;
- (3) The fill width, measured at toe of roadway side slopes, shall be minimized, for example, by steepening the sideslopes and constructing walls, and not exceed 50 feet;
- (4) Fill for any single wetland crossing shall not exceed 60 feet in length, measured along the centerline of the proposed access way; and
- (5) Such projects shall be limited to crossings that:
 - a. Do not impact bogs, marshes, sand dunes, tidal wetlands, cedar swamps, or undisturbed tidal buffer zone;
 - b. Are not located in or adjacent to prime wetlands, as defined by Env-Wt 701.02 through Env-Wt 701.04;
 - c. Do not meet the criteria of Env-Wt 303.02(k); and
 - d. Cross stream channels less than 10 feet wide;

2008-02511 PRESBY, DAVID
LANDAFF Unnamed Stream

Requested Action:

Proposal to dredge and fill 593 sq. ft. of wetlands for installation of a 18 in. x 20 ft. plastic culvert, associated fill and stone headwalls and side slope fill for construction of a driveway to a proposed single family building lot. The project also includes installation of a full span bridge that as proposed does not require impacts to jurisdictional wetlands, surface waters or banks.

Conservation Commission/Staff Comments:

1. The Conservation Commission did not sign the PBN form. 2. DES did not receive any comments from the Conservation Commission.

PBN IS COMPLETE:

Dredge and fill 593 sq. ft. of wetlands for installation of a 24 in. x 20 ft. plastic culvert, associated fill and stone headwalls and side slope fill for construction of a driveway to a proposed single family building lot. The project also includes installation of a full span bridge that as proposed does not require impacts to jurisdictional wetlands, surface waters or banks.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.

2008-02577 NH DEPT OF TRANSPORTATION
GRAFTON Tewksbury Pond

Requested Action:

Replace the concrete deck of a 35.5 ft. x 20 ft. span bridge temporarily impacting 1,400 sq. ft. of stream.

PBN IS COMPLETE:

Replace the concrete deck of a 35.5 ft. x 20 ft. span bridge temporarily impacting 1,400 sq. ft. of stream. (NHDOT project # 15557)

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance as received by the Department on Dec. 9, 2008.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Work shall be done during low flow.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

2008-02580 SMITH, JARED
NEW DURHAM Unnamed Wetland

Requested Action:

Dredge and fill 225 sq. ft. of wetlands to install a 15" x 15' culvert in an existing woods road to provide driveway access for a single family house lot.

Conservation Commission/Staff Comments:

Conservation Commission signed PBN.

PBN IS COMPLETE:

Dredge and fill 225 sq. ft. of wetlands to install a 15" x 15' culvert in an existing woods road to provide driveway access for a single family house lot.

2008-02615 PSNH
BRENTWOOD Unnamed Wetland

Requested Action:

Temporarily impact 816 square feet of palustrine wet meadow/scrub shrub swamp to lay temporary mats to enable equipment access to perform utility pole repair/replacement.

Conservation Commission/Staff Comments:

The Brentwood Conservation Commission signed the PBN.

PBN IS COMPLETE:

Temporarily impact 816 square feet of palustrine wet meadow/scrub shrub swamp to lay temporary mats to enable equipment access to perform utility pole repair/replacement.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af) Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way.

2008-02619 GORMAN, PHILIP & JOHN
LACONIA Lake Winnepesaukee

Requested Action:

Repair and existing 4 slip boathouse in kind on Lake Winnepesaukee, Laconia.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form but did submit a letter indicating they had no objection to the proposed repair.

PBN IS COMPLETE:

Repair and existing 4 slip boathouse in kind on Lake Winnepesaukee, Laconia.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2008-02629 VALL, BRUCE & JANELLE FITCH
MEREDITH Lake Winnisquam

Requested Action:

Repair of existing docking facility.

Conservation Commission/Staff Comments:

Con Com signed PBN on December 04, 2008

PBN IS COMPLETE:

Repair of existing docking facility.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2008-02630 FITCH, JANELLE
MEREDITH Lake Winnisquam

Requested Action:

Repair existing docking structure and beach replenishment on Lake Winnisquam.

Conservation Commission/Staff Comments:

Con Com signed PBN on Dec 04, 2008

PBN IS COMPLETE:

Repair existing docking structure and beach replenishment on Lake Winnisquam.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2008-02631 **FITCH, JANELLE**
MEREDITH Lake Winnisquam

CSPA PERMIT

2008-01880 **YOUNG, DOROTHY**
CENTER OSSIPPEE Ossipee Lake

Requested Action:

Impact 4,147 sq ft to construct a new two-bedroom dwelling and septic system.

VARIANCE APPROVED: RSA 483-B:9 V (a)(2)(B) and RSA 483-B:9 V (a)(2)(C) are varied to allow the removal of groundcovers for the installation of the driveway.

APPROVE PERMIT:

Impact 4,147 sq ft to construct a new two-bedroom dwelling and septic system.

VARIANCE APPROVED: RSA 483-B:9 V (a)(2)(B) and RSA 483-B:9 V (a)(2)(C) are varied to allow the removal of groundcovers for the installation of the driveway.

With Conditions:

1. All work shall be in accordance with revised plans by Land Technical Service Corp. dated November 18, 2008 and received by the Department of Environmental Services ("DES") on November 19, 2008.
2. This approval includes a variance of the minimum standards set forth in RSA 483-B:9 V (a)(2)(B) and RSA 483-B:9 V (a)(2)(C). This permit shall not be effective until it has been recorded with the appropriate Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. No more than 10.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 6,167 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,558 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The Applicant proposes to construct a single family dwelling, associated septic system, and driveway on property identified as Ossipee tax map 37, lot 11-3.
2. The subject property is separated from Ossipee Lake by South Shore Road.
3. There is no opportunity to gain access to the property other than from South Shore Road.
4. Construction of a driveway for access off of South Shore Road will require the removal of groundcover within the Waterfront Buffer.
5. The removal of groundcovers is prohibited by RSA 483-B:9 V (a)(2)(B) and RSA 483-B:9 V (a)(2)(C).
6. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)."
7. The location of South Shore Rd within the Waterfront Buffer results in a condition where the owner would be prohibited from constructing a driveway for access to the property if the standards of RSA 483-B:9 V (a)(2)(B) and RSA 483-B:9 V (a)(2)(C) were strictly enforced.
8. The project as proposed minimizes the ground cover to be removed and therefore, is consistent with the intents of the statute.
9. The proposed project will not injure the public or private rights of others.
10. Granting the variance will be consistent with the public interest.
11. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property right while upholding the spirit of the CSPA and preserving the private rights and interests of the public.
12. The applicant has proposed to install water bars in the proposed driveway to prevent an uninterrupted flow of contaminated stormwater from entering Ossipee Lake.

2008-02329

MORRIS, WILLIAM/JEAN

CENTER BARNSTEAD Locke Lake

Requested Action:

Impact 1,204 sq ft to construct and attach garage to existing dwelling. A portion of the proposed garage will be erected over a pre-existing paved (impervious) driveway.

APPROVE PERMIT:

Impact 1,204 sq ft to construct and attach garage to existing dwelling. A portion of the proposed garage will be erected over a pre-existing paved (impervious) driveway.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, dated October 9, 2008 and received by the Department of Environmental Services ("DES") on October 27, 2008.
2. No more than 17.85% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2009 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2009 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Impacts to existing unaltered areas must be mitigated through the replanting of designated areas that shall then remain in an unaltered state in accordance with planting plans received by DES on December 11, 2008.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

2008-02456 JUDITH A KOHN REVOCABLE TRUST
GEORGES MILLS Lake Sunapee

Requested Action:

Impact 605 sq ft for the purposes of adding an addition and a screened porch onto an existing single famliy dwelling.

APPROVE PERMIT:

Impact 605 sq ft for the purposes of adding an addition and a screened porch onto an existing single famliy dwelling.

With Conditions:

1. All work shall be in accordance with plans by Dennis Kohn and Snow Building Construction dated November 5, 2008 and received by the Department of Environmental Services ("DES") on November 10, 2008.
2. No more than 19.6 % of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 4,275 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,899 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas to remain unaltered and wetlands.

2008-02460 ASKEW, PAUL
MIRROR LAKE Mirror Lake

Requested Action:

Impact 800 sq ft for the purpose of constructing a new septic system connected to an existing garage.

APPROVE PERMIT:

Impact 800 sq ft for the purpose of constructing a new septic system connected to an existing garage.

With Conditions:

1. This permit is contingent on approval by the DES Subsurface Systems Bureau in accordance with RSA 485-A:29.
2. All work shall be in accordance with plans by Roseen Survey PLLC dated November 7, 2008 and received by the Department of Environmental Services ("DES") on November 12, 2008.
2. No more than 8.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 2,561 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,561 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain

in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

2008-02474 TURNER, NORVAL/JANCY JO
GILFORD Lake Winnepesaukee

Requested Action:

Impact 9791 sq ft for the purpose of removing 2 sheds, removing existing septic system, installing new larger septic system outside the foot print of the existing system being replaced and constructing storage building with 3 foot wide foot path from storage building to existing foot path.

APPROVE PERMIT:

Impact 9791 sq ft for the purpose of removing 2 sheds, removing existing septic system, installing new larger septic system outside the foot print of the existing system being replaced and constructing storage building with 3 foot wide foot path from storage building to existing foot path.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated October 1, 2008 and received by the Department of Environmental Services ("DES") on November 13, 2008.

2. The activities associated with the installation of the new septic system within this project are contingent on approval by the DES Subsurface Systems Bureau.

3. The temporary construction access path will be revegetated with trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project and shall begin upon completion of project installation as noted in project plans by Ames Associates dated October 1, 2008.

4. No more than 13.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

5. The project as proposed will leave approximately 7915 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3147.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

7. Orange construction fencing shall be placed at the limits of construction.

8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or

contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

2008-02480 GENESIS HEALTHCARE
LANCASTER Connecticut River

Requested Action:

Impact 6974 sq ft for the purpose of constructing an addition onto the west end of an existing building and paving new parking lot to be added onto western side of existing parking lot.

APPROVE PERMIT:

Impact 6974 sq ft for the purpose of constructing an addition onto the west end of an existing building and paving a new parking lot to be added onto western side of existing parking lot.

With Conditions:

1. All work shall be in accordance with plans by Hoyle, Tanner and Associates dated November 10, 2008 and received by the Department of Environmental Services ("DES") on November 13, 2008.
2. No more than 3.52% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 60,154 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 30,077 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

2008-02481 SKRIVERBY LLC, SARAH BAYLES
MARLBOROUGH Minnewawa Brook

Requested Action:

Impact 27,000 sq ft for the purpose of removing 3 existing structures, 2 of which are within the waterfront buffer, and a parking lot made of impervious surface. Construct two new structures outside the waterfront buffer and replace the parking lot utilizing pervious concrete technologies.

APPROVE PERMIT:

Impact 27,000 sq ft for the purpose of removing 3 existing structures, 2 of which are within the waterfront buffer, and a parking lot made of impervious surface. Construct two new structures outside the waterfront buffer and replace the parking lot utilizing pervious concrete technologies.

With Conditions:

1. All work shall be in accordance with plans by SVE Associates dated October 17, 2008 and received by the Department of Environmental Services ("DES") on November 14, 2008.
2. No more than 13% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 500 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. The area within the waterfront buffer where existing structures are to be removed according to plans by SVE Associates dated October 17, 2008 shall be revegetated with native trees, shrubs and ground covers upon completion of project installation.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment onto areas to remain unaltered and wetlands.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

CSPA PERMIT W/WAIVER

2008-01540 GEORGAKLIS, TAMMI
KINGSTON Powwow Pond

Requested Action:

Impact 2,069 to replace an existing non-conforming primary structure with a new primary structure having a deck that extends into the primary building setback.

WAIVER APPROVED: RSA 483-B:9, II is waived to allow the deck to extend into the primary building setback.

APPROVE PERMIT:

Impact 2,069 to replace an existing non-conforming primary structure with a new primary structure having a deck that extends into the primary building setback.

WAIVER APPROVED: RSA 483-B:9, II is waived to allow the deck to extend into the primary building setback.

With Conditions:

1. All work shall be in accordance with revised building plans by Paul F. Nichols dated November 24, 2008 and received by the Department of Environmental Services ("DES") on December 1, 2008 and planting plans by J.A. Smith Associates recieved by DES on October 15, 2008.
2. This approval includes a wavier of the minimum standard set forth in RSA 483-B:9,II(b). This permit shall not be effective until it has been recorded with the appropriate Registry of Deeds office by the Permittee. A copy of the recorded permit shall be

submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.

3. No more than 12.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,100 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,180 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. An initial vegetation monitoring report shall be submitted to DES by July 30, 2010 to review the success of the plantings and schedule remedial actions if necessary. This report shall be submitted to DES with photographs demonstrating the condition of the plantings, include any necessary remedial actions, and contain a schedule for completing the remedial actions. The report shall reference the Shoreland Permit number and be sent to the DES Wetlands Bureau, 29 Hazen Drive, Concord, NH 03302.
7. Proposed plantings shall have a 100% survival success rate upon post construction inspection from DES or the areas shall be replanted until the 100% success rate is achieved.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing structure, on property identified as Kingston Tax Map U-2, Lot 45, is located within the 50 ft Setback to public waters and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the Comprehensive Shoreland Protection Act ("CSPA").
2. The existing structure is located approximately 43 ft from the reference line.
3. The proposed structure will be located completely behind the reference line with the exception of the deck which will be no closer to the reference line than the pre-existing structure.
4. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
5. The applicant has proposed to plant native vegetation to restore the waterfront buffer.
6. The applicant has proposed to install infiltration trenches along the drip edges of the proposed primary structure and under the proposed deck for stormwater infiltration.
7. The applicant proposes no increase in impervious surface within the waterfront buffer than existing conditions.
8. The Department has determined that the Applicant's proposal is more nearly conforming with RSA 483-B, the CSPA, and provides at least the same degree of protection to the public waters, and, therefore, in accordance with RSA 483-B:11, II the waiver is granted.

2008-01825 FITZGERALD, ANTHONY
TILTON Silver Lake

Requested Action:

Impact approximately 4,500 in order to remove a non-conforming primary structure and replace it with new conforming primary structure.

APPROVE PERMIT:

Impact approximately 4,500 in order to remove a non-conforming primary structure and replace it with new conforming primary structure.

With Conditions:

1. All work shall be in accordance with plans by New England Envirostrategies, Inc. dated November, 2008 and received by the Department of Environmental Services ("DES") on November 26, 2008.
2. No more than 8.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will impact no existing unaltered areas within the Natural Woodland Buffer beyond the primary building setback.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau if the lot is dependent on an on-site septic system.
5. All exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2008-02205 HIMMER, MELANIE
GILFORD Lake Winnepesaukee

Requested Action:

Removal of existing 3,411 sq ft dwelling, 1,188 sq ft deck and garage, and 3,892 sq ft of impervious driveway. Construct new 4,638 sq ft dwelling and relocate driveway.

WAIVER APPROVED: RSA 483-B:9, V,(g),(1) is waived to allow 31.51 percent of the lot to be covered by impervious surfaces.

APPROVE PERMIT:

Removal of existing 3,411 sq ft dwelling, 1,188 sq ft deck and garage, and 3,892 sq ft of impervious driveway. Construct new 4,638 sq ft dwelling and relocate driveway.

WAIVER APPROVED: RSA 483-B:9, V,(g),(1) is waived to allow 31.51 percent of the lot to be covered by impervious surfaces.

With Conditions:

1. All work shall be in accordance with plans by David M. Dolan Associates, PC dated October 8, 2008 and received by the Department of Environmental Services ("DES") on October 14, 2008.
2. This approval includes a waiver of RSA 483-B:9, V, (g), (1) and, therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. No more than 31.51% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will restore areas such that approximately 3,756 sq ft of the Natural Woodland Buffer beyond the primary building setback will be maintained in an unaltered state. At least 3,668 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Pervious pavers shall be installed and maintained in accordance with Sheet S-2 of the October 8, 2008 plan set.

With Findings:

1. The existing non-conforming structures cover 42.04 % of the area of the lot within the protected shorelands and therefore, fail to conform to the impervious surface limits established in RSA 483-B:9, V, (g),(1) of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in a 3,807 sq ft reduction in impervious surface area within the protected shorelands and the restoration of 2,435 sq ft of woodland buffer.
4. The applicant has proposed to enhance wildlife habitat through restoration of the woodland buffer and reduce impervious surface areas, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.